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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,972	07/11/2001	Albert M. Anelli		9500

7590 03/09/2005  
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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,972	<b>Applicant(s)</b> ANELLI, ALBERT M.	
	<b>Examiner</b> Janice A. Mooneyham	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on July 11, 2001, wherein claims 1-18 are currently pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 8 and 10, the phrase "substantially" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences,

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for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble.

Furthermore, the mere intended or trivial use of a component in the claims, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

In the present case, the applicant states that the invention is a method for resolving a dispute via a network (could be a telephone or even a network of people). The fact that the grievance is described in computer readable form simply means that someone could print the grievance from the computer and hand it to the first level or management.

The applicant has not incorporated the technology in the claim language in such a way as to have the computer actually performing or processing the dispute resolution information. This is trivial use of the computer.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo (US 5,895,450) (hereinafter referred to as Sloo) in view of Slaikeu (US 2001/0007106) (hereinafter referred to as Slaikeu) (copy of 09/030,034 provided with Office Action as Examiner is relying on February 25, 1998 date).

Referring to Claim 1.

Sloo discloses a method for resolving a dispute via a network, the method comprising: describing a grievance in computer readable form (col. 2, lines 53-61 (complaints), col. 2, line 66 thru col. 3, line 7). Sloo discloses communicating the grievance to an outside party for resolution (Fig. 7 Judge/Jury)

Sloo does not disclose communicating the grievance to a first lower level of management of an organization, when the grievance is not resolved by a lower level of management, repeatedly communicating the grievance to a higher level until the grievance is resolved. However, Slaikeu discloses communicating the grievance to a first lower level of management of an organization, when the grievance is not resolved by a lower level of management, repeatedly communicating the grievance to a higher level until the grievance is resolved; or when the grievance is not resolved within the organization, communicating the grievance to an outside

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party for resolution (page 1 [0006] higher authority wherein the chain of command is utilized or external arbitration or litigation are resorted to).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the teaching of Sloo the disclosure of Slaikeu since every business has conflict and unresolved conflicts contribute to high costs in organizations, especially if they lead to litigation.

Referring to Claim 2:

Sloo discloses a method wherein communicating the grievance to a lower level of management, communicating the grievance to each higher level of management, and communicating the grievance to an outside party is performed via a network (col. 3, lines 8-11).

Referring to Claim 3:

Sloo discloses a method wherein communicating the grievance is performed via the Internet (col. 3, lines 31-39 (WAN- the largest WAN in existence is the Internet)

Referring to Claim 4:

Sloo discloses a method wherein describing a grievance in computer readable form comprises typing the grievance and responses into a computer file (col. 3, lines 45-53, col. 4, lines 45-52 Register a Complaint, col. 10, lines 7-12).

Referring to Claim 5:

Sloo discloses a method wherein describing a grievance in computer readable form comprises communicating the grievance and responses to a computer (col. 4, lines 31-39, col. 6, lines 55-65, verbal communication – voice recognition device, col. 10, lines 7-12)

Referring to Claim 6:

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Sloo discloses a method wherein resolution of the dispute is acknowledged by all parties (col. 5, lines 5-53 (counter complaint is an acknowledgement of complaint)).

Referring to Claim 7:

Slaikeu does not explicitly disclose a method wherein plural attempts to resolve the dispute are facilitated at each level of management within the organization. However, Slaikeu does not preclude plural attempts to resolve the dispute at each level of management (page 1 [0006] Chain of command, pages 2-3 [0015], Fig. 1, Site Based Resolution shows several layers (20) prior to going to higher authority and also show loop back or forward paths, Fig. 2 conflict management flow chart)

Referring to Claim 8:

Both Sloo and Slaikeu disclose a method wherein the use of a computer network substantially replaces the conventional, non-network method for resolving disputes ((Sloo, Fig. 1) (Slaikeu (page 2 [0011]) both show the use of a computer system)

Referring to Claim 9:

Sloo discloses a method wherein describing a grievance in computer readable form comprises digitizing information which describes the dispute. (The Examiner is interpreting this to mean information is stored as conflict subjects) (col. 4, lines 9-17, Fig. 2 (206))

Referring to Claim 10:

Sloo discloses a method wherein the process is performed in a substantially paperless fashion (col. 1, line 63 thru col. 2, line 6 – performed via a computer network).

Referring to Claim 11:

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Sloo does not disclose time guidelines imposed to facilitate timeline compliance. However, Sloo discloses monitoring the time it takes for response during the process (col. 5, lines 30-37).

It would have been obvious to one of ordinary skill in the art to incorporate time guidelines into the disclosure of Sloo since these guidelines would move the prosecution along making the resolution of the grievance occur in a more timely fashion.

Referring to Claim 12:

Sloo discloses a method wherein remedy tracking is imposed to facilitate compliance (col. 6, lines 24-32 Monitor compliance, Fig. 9)

Referring to Claim 13:

Sloo discloses a method wherein group processing features are used to facilitate filing and resolution of multiple grievances (col. 5, lines 50-56).

Referring to Claim 14:

Slaikeu discloses a method wherein customization of process steps is performed to fit existing dispute procedure and management reporting structure (page 1 [0005] variables are selected from a list... recommendations are for modifications to conform the existing organizational conflict handling procedures to include at least those from this list.)

Referring to Claim 15:

Sloo discloses a method further comprising using database information to facilitate decision support (col. 2, lines 7-20, col. 10, lines 13-39, col. 10, line 54 thru col. 11, line 5, col. 11, lines 31-35).



Referring to Claim 16:

Sloo discloses a method wherein the database information comprises summarized grievance reports (col. 8, lines 44-49 past performance records)

Referring to Claim 17:

Sloo discloses a method further comprising assigning administration rights to each party to ensure data protection and privacy (col. 5, lines 11-29 – private forum)

Referring to Claim 18:

Sloo discloses a method for resolving a dispute via the Internet, the method comprising:  
verbally communicating a grievance (col. 2, lines 53-61, col. 6, lines 55-64 (oral responses), col. 10, lines 7-12). Sloo disclose describing the dispute in writing (col. 6, lines 55-64, col. 10, lines 7-12). Sloo discloses going to an outside party (judge/ jury) to resolve the dispute (Fig. 7) and communicating over the Internet (WAN col. 2, lines 31-39 internet is the largest WAN)

Sloo does not discloses that if the supervisor does not resolve the dispute, then going to a higher level in management or going to an arbitrator/mediator as the party outside the organization. However, Slaukeu discloses going to a higher level (chain of command) in management and going to an arbitrator/mediator (col. 1 [0006] and Fig. 1 (20 Higher authority available, Fig. 2 Conflict Management Flow Chart).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the teaching of Sloo the disclosure of Slaikeu since every business has conflict and unresolved conflicts contribute to high costs in organizations, especially if they lead to litigation

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

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An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed.

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***Conclusion***

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

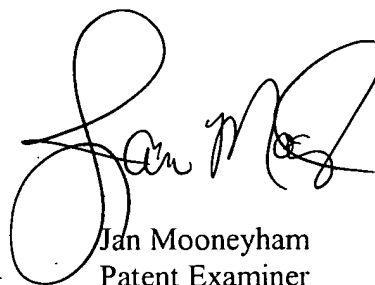
Kienbaum discloses an interactive internet third party resources computer which allows a worker to automatically file a grievance wherein the worker is presented with a list of questions, the complaint is analyzed by the system and a determination of what type person should be notified is made.

Litigation lite? – discloses an arbitration system for resolving disputes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (703) 305-8554. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham", is positioned above the printed name and title.

Jan Mooneyham  
Patent Examiner  
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